

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by adding Section
5 2-3.160 and by changing Section 27A-5 as follows:

6 (105 ILCS 5/2-3.160 new)

7 Sec. 2-3.160. Student discipline report; school discipline
8 improvement plan.

9 (a) On or before October 31, 2015 and on or before October
10 31 of each subsequent year, the State Board of Education,
11 through the State Superintendent of Education, shall prepare a
12 report on student discipline in all school districts in this
13 State, including State-authorized charter schools. This report
14 shall include data from all public schools within school
15 districts, including district-authorized charter schools. This
16 report must be posted on the Internet website of the State
17 Board of Education. The report shall include data on the
18 issuance of out-of-school suspensions, expulsions, and
19 removals to alternative settings in lieu of another
20 disciplinary action, disaggregated by race and ethnicity,
21 gender, age, grade level, limited English proficiency,
22 incident type, and discipline duration.

23 (b) The State Board of Education shall analyze the data

1 under subsection (a) of this Section on an annual basis and
2 determine the top 20% of school districts for the following
3 metrics:

4 (1) Total number of out-of-school suspensions divided
5 by the total district enrollment by the last school day in
6 September for the year in which the data was collected,
7 multiplied by 100.

8 (2) Total number of out-of-school expulsions divided
9 by the total district enrollment by the last school day in
10 September for the year in which the data was collected,
11 multiplied by 100.

12 (3) Racial disproportionality, defined as the
13 overrepresentation of students of color or white students
14 in comparison to the total number of students of color or
15 white students on October 1st of the school year in which
16 data are collected, with respect to the use of
17 out-of-school suspensions and expulsions, which must be
18 calculated using the same method as the U.S. Department of
19 Education's Office for Civil Rights uses.

20 The analysis must be based on data collected over 3
21 consecutive school years, beginning with the 2014-2015 school
22 year.

23 Beginning with the 2017-2018 school year, the State Board
24 of Education shall require each of the school districts that
25 are identified in the top 20% of any of the metrics described
26 in this subsection (b) for 3 consecutive years to submit a plan

1 identifying the strategies the school district will implement
2 to reduce the use of exclusionary disciplinary practices or
3 racial disproportionality or both, if applicable. School
4 districts that no longer meet the criteria described in any of
5 the metrics described in this subsection (b) for 3 consecutive
6 years shall no longer be required to submit a plan.

7 This plan may be combined with any other improvement plans
8 required under federal or State law.

9 The calculation of the top 20% of any of the metrics
10 described in this subsection (b) shall exclude all school
11 districts, State-authorized charter schools, and special
12 charter districts that issued fewer than a total of 10
13 out-of-school suspensions or expulsions, whichever is
14 applicable, during the school year. The calculation of the top
15 20% of metric described in subdivision (3) of this subsection
16 (b) shall exclude all school districts with an enrollment of
17 fewer than 50 white students or fewer than 50 students of
18 color.

19 The plan must be approved at a public school board meeting
20 and posted on the school district's Internet website. Within
21 one year after being identified, the school district shall
22 submit to the State Board of Education and post on the
23 district's Internet website a progress report describing the
24 implementation of the plan and the results achieved.

1 Sec. 27A-5. Charter school; legal entity; requirements.

2 (a) A charter school shall be a public, nonsectarian,
3 nonreligious, non-home based, and non-profit school. A charter
4 school shall be organized and operated as a nonprofit
5 corporation or other discrete, legal, nonprofit entity
6 authorized under the laws of the State of Illinois.

7 (b) A charter school may be established under this Article
8 by creating a new school or by converting an existing public
9 school or attendance center to charter school status. Beginning
10 on the effective date of this amendatory Act of the 93rd
11 General Assembly, in all new applications submitted to the
12 State Board or a local school board to establish a charter
13 school in a city having a population exceeding 500,000,
14 operation of the charter school shall be limited to one campus.
15 The changes made to this Section by this amendatory Act of the
16 93rd General Assembly do not apply to charter schools existing
17 or approved on or before the effective date of this amendatory
18 Act.

19 (b-5) In this subsection (b-5), "virtual-schooling" means
20 the teaching of courses through online methods with online
21 instructors, rather than the instructor and student being at
22 the same physical location. "Virtual-schooling" includes
23 without limitation instruction provided by full-time, online
24 virtual schools.

25 From April 1, 2013 through April 1, 2014, there is a
26 moratorium on the establishment of charter schools with

1 virtual-schooling components in school districts other than a
2 school district organized under Article 34 of this Code. This
3 moratorium does not apply to a charter school with
4 virtual-schooling components existing or approved prior to
5 April 1, 2013 or to the renewal of the charter of a charter
6 school with virtual-schooling components already approved
7 prior to April 1, 2013.

8 On or before March 1, 2014, the Commission shall submit to
9 the General Assembly a report on the effect of
10 virtual-schooling, including without limitation the effect on
11 student performance, the costs associated with
12 virtual-schooling, and issues with oversight. The report shall
13 include policy recommendations for virtual-schooling.

14 (c) A charter school shall be administered and governed by
15 its board of directors or other governing body in the manner
16 provided in its charter. The governing body of a charter school
17 shall be subject to the Freedom of Information Act and the Open
18 Meetings Act.

19 (d) A charter school shall comply with all applicable
20 health and safety requirements applicable to public schools
21 under the laws of the State of Illinois.

22 (e) Except as otherwise provided in the School Code, a
23 charter school shall not charge tuition; provided that a
24 charter school may charge reasonable fees for textbooks,
25 instructional materials, and student activities.

26 (f) A charter school shall be responsible for the

1 management and operation of its fiscal affairs including, but
2 not limited to, the preparation of its budget. An audit of each
3 charter school's finances shall be conducted annually by an
4 outside, independent contractor retained by the charter
5 school. Annually, by December 1, every charter school must
6 submit to the State Board a copy of its audit and a copy of the
7 Form 990 the charter school filed that year with the federal
8 Internal Revenue Service.

9 (g) A charter school shall comply with all provisions of
10 this Article, the Illinois Educational Labor Relations Act, and
11 its charter. A charter school is exempt from all other State
12 laws and regulations in the School Code governing public
13 schools and local school board policies, except the following:

14 (1) Sections 10-21.9 and 34-18.5 of the School Code
15 regarding criminal history records checks and checks of the
16 Statewide Sex Offender Database and Statewide Murderer and
17 Violent Offender Against Youth Database of applicants for
18 employment;

19 (2) Sections 24-24 and 34-84A of the School Code
20 regarding discipline of students;

21 (3) The Local Governmental and Governmental Employees
22 Tort Immunity Act;

23 (4) Section 108.75 of the General Not For Profit
24 Corporation Act of 1986 regarding indemnification of
25 officers, directors, employees, and agents;

26 (5) The Abused and Neglected Child Reporting Act;

- 1 (6) The Illinois School Student Records Act;
- 2 (7) Section 10-17a of the School Code regarding school
- 3 report cards; ~~and~~
- 4 (8) The P-20 Longitudinal Education Data System Act;
5 and-
- 6 (9) Section 2-3.160 of the School Code regarding
- 7 student discipline reporting.

8 The change made by Public Act 96-104 to this subsection (g)

9 is declaratory of existing law.

10 (h) A charter school may negotiate and contract with a

11 school district, the governing body of a State college or

12 university or public community college, or any other public or

13 for-profit or nonprofit private entity for: (i) the use of a

14 school building and grounds or any other real property or

15 facilities that the charter school desires to use or convert

16 for use as a charter school site, (ii) the operation and

17 maintenance thereof, and (iii) the provision of any service,

18 activity, or undertaking that the charter school is required to

19 perform in order to carry out the terms of its charter.

20 However, a charter school that is established on or after the

21 effective date of this amendatory Act of the 93rd General

22 Assembly and that operates in a city having a population

23 exceeding 500,000 may not contract with a for-profit entity to

24 manage or operate the school during the period that commences

25 on the effective date of this amendatory Act of the 93rd

26 General Assembly and concludes at the end of the 2004-2005

1 school year. Except as provided in subsection (i) of this
2 Section, a school district may charge a charter school
3 reasonable rent for the use of the district's buildings,
4 grounds, and facilities. Any services for which a charter
5 school contracts with a school district shall be provided by
6 the district at cost. Any services for which a charter school
7 contracts with a local school board or with the governing body
8 of a State college or university or public community college
9 shall be provided by the public entity at cost.

10 (i) In no event shall a charter school that is established
11 by converting an existing school or attendance center to
12 charter school status be required to pay rent for space that is
13 deemed available, as negotiated and provided in the charter
14 agreement, in school district facilities. However, all other
15 costs for the operation and maintenance of school district
16 facilities that are used by the charter school shall be subject
17 to negotiation between the charter school and the local school
18 board and shall be set forth in the charter.

19 (j) A charter school may limit student enrollment by age or
20 grade level.

21 (k) If the charter school is approved by the Commission,
22 then the Commission charter school is its own local education
23 agency.

24 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;
25 97-813, eff. 7-13-12; 98-16, eff. 5-24-13.)

26 Section 99. Effective date. This Act takes effect July 1,

1 2014.